

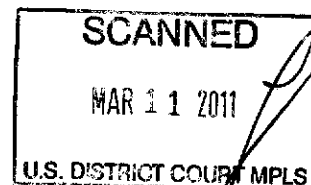
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

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Tom Brady, Drew Brees, Vincent Jackson, Ben : Civil Action No. \_\_\_\_\_  
Leber, Logan Mankins, Peyton Manning, Von :  
Miller, Brian Robison, Osi Umenyiora, and :  
Mike Vrabel, individually, and on behalf of all :  
others similarly situated, : Declaration of Joby Branion  
:  
Plaintiffs, :  
:  
vs. :  
:  
NATIONAL FOOTBALL LEAGUE, et al., :  
:  
Defendants. :  
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Joby Branion, declares under penalty of perjury, as follows:

1. I am a NFL player agent, Executive Director of Athletes First and an attorney. I am also a former college football player, and in 1985 I competed in the Washington Redskins training camp.
2. I have worked as a NFL player agent since 1996. During that time, I have represented approximately 100 players and negotiated approximately 200 contracts.
3. My client base includes both veteran players (*i.e.*, players already working in the NFL) and rookies (*e.g.*, collegiate football players seeking employment in the NFL). Plaintiff Von Miller is one of the rookies that I currently represent.
4. I have personal knowledge of all of the facts described in my declaration, which I submit in support of Plaintiffs' motion for a preliminary injunction.



5. Von is a student-athlete from Texas A&M, where he recently starred as a linebacker. During Von's collegiate playing career, he earned a number of major awards, including selection as a 2010 consensus first-team All-American and a 2009 and 2010 All-Big 12 honoree. Von was also the 2010 recipient of the Butkus Award as the best linebacker in college football.

6. Von has chosen to enter the 2011 college draft.

7. Virtually all commentators and draft experts project that Von will be the first linebacker selected and an overall top 10 pick. Based on my experience as a NFL agent, I also believe that Von will be one of the very first players selected in the draft.

8. If the NFL imposes a "lockout," however, Von will be denied access to the facilities and personnel of whichever team selects him. For example, Von will not be able to meet with his new team's coaches or trainers, or to train, practice or play with his new teammates at the team's facilities. The experience and exposure that comes from playing against NFL-level competition and receiving NFL coaching is invaluable and a necessity for young players.

9. There simply is no substitute for learning from, practicing and playing with the players and personnel (*e.g.*, coaches and medical staff) of a NFL team. This is true for all NFL players, including rookies, like Von, who are making the transition from college to professional football. A NFL "lockout" will deprive NFL players – veterans and rookies alike – of irreplaceable opportunities to develop their skills

as football players and to otherwise advance their NFL careers. Money damages alone cannot make up for these lost opportunities.

10. For example, missing up to a season, or even more, of NFL practice and playing time, can also cause substantial erosion of players' skills from the lack of competition. Some players may find it difficult to regain their pre-"lockout" skill level, and careers could be shortened or even ended.

11. A NFL "lockout" will shut down offseason workout programs, minicamps and training camps. As a result, Von will not, for example, be able to learn his new team's defensive plays and strategies. The inability to participate in such activities could cost rookie players like Von the opportunity to become starting players or even make the team when competing against established veterans. Further, if the entire 2011 NFL season is cancelled, rookies and veterans alike will be competing for roster spots next year against a new group of incoming players who will not have missed an entire year of high-level competition.

12. A "lockout" – the equivalent of pressing "pause" on the careers of NFL players – is also harmful because of the shortness of NFL careers. My own time in the NFL lasted for just a single training camp, and I have seen many other players leave the NFL after only a short while. It is my understanding that the average career of a NFL player is less than four years.

13. The relative shortness of NFL careers is due in part to the ever present risk of a career-ending injury. I have seen the careers of numerous players cut short or ended by severe playing injuries, suffered both in games and practice. In

addition, the wear and tear from playing in the NFL is severe, and diminishes the physical capability of players over time. I believe these risks are typical for every NFL player.

14. Rookies like Von thus have precious little time in the NFL. The same is true of veteran players. Missed time due to a NFL "lockout" simply cannot be recovered, and playing skills may not be recaptured.

15. A NFL "lockout" will also deprive Von and other rookies not currently under contract of new contracts negotiated in a free market, whose precise terms will be impossible to recreate. In addition, many young players maximize their value by negotiating extensions of their current contracts before they reach free agency.

16. In summary, it is my belief that Von and all other veteran and rookie NFL players will not be able to fully recover from the harm they will suffer if they lose even part of a NFL season as a result of a "lockout."

Executed: Chapel Hill, North Carolina  
March 11, 2011

/s/ Joby Branion

Joby Branion